

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

UNITED STATES OF AMERICA                   \*   Docket No. 6:22-cr-62  
  \*  
  \*  
VERSUS                                       \*   August 23, 2022  
  \*  
  \*  
TYCOBY ARCENEUX                         \*   Lafayette, Louisiana

\*\*\*\*\*

OFFICIAL TRANSCRIPT OF MOTION HEARING  
HELD BEFORE THE HONORABLE DAVID C. JOSEPH,  
UNITED STATES DISTRICT JUDGE

\*\*\*\*\*

**A P P E A R A N C E S**

FOR THE GOVERNMENT: JOHN WOODLEY NICKEL  
                                  U.S. Attorney's Office  
                                  800 Lafayette Stree, Suite 2200  
                                  Lafayette, LA 70501

FOR THE DEFENDANT: HAROLD D. REGISTER, III  
                                  McCorvey Law  
                                  102 Versailles Blvd., Suite 620  
                                  Lafayette, LA 70501

GARRON MATTHEW JOHNSON  
Johnson & Johnson  
839 St. Charles Avenue, Suite 309  
New Orleans, LA 70130

REPORTED BY: DEIDRE D. JURANKA, CRR  
                                  USDC - Western District of LA  
                                  611 Broad Street  
                                  Lake Charles, LA 70601

Deidre D. Juranka, CRR  
United States Court Reporter  
Western District of Louisiana

**I N D E X**

	<b>PAGE</b>
<b>COURT PROCEEDINGS.....</b>	<b>3</b>
<b>TREVOR PICARD</b>	
DIRECT EXAMINATION BY MR. NICKEL.....	7
CROSS-EXAMINATION BY MR. REGISTER.....	20
REDIRECT EXAMINATION BY MR. NICKEL.....	39

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**COURT PROCEEDINGS**

THE COURT: Good afternoon. We're on the record now in 22-cr-62, United States versus Tycoby Arceneaux. Counsel, please make your appearances.

MR. NICKEL: Good afternoon, Your Honor. John Nickel for the Government.

MR. REGISTER: Harold Register, III on behalf of Mr. Tycoby Arceneaux.

MR. JOHNSON: Garron Johnson on behalf of Mr. Tycoby Arceneaux as well, Judge.

THE COURT: Good afternoon, gentlemen. Mr. Arceneaux is present in court with counsel. At this time we are set for hearing on the Defendant's motion to suppress evidence related to four separate incidents. After reviewing the documents, my understanding is the third search warrant -- that is of the second search warrant of the house on 104 Royalton Parkway did not yield any evidence; is that correct?

MR. NICKEL: That's correct, Your Honor. The point would be moot.

THE COURT: So really we're talking about three incidents, the search of 1200 Robley, the apartment at 1200 Robley, and then the first search of 104 Royalton, as well as the traffic stop of Mr. Arceneaux. Okay. I think the best way to proceed is does the Government

6:22-cr-62; Motion Hearing

4

1 have relevant law enforcement here?

2 MR. NICKEL: Yes, Your Honor. Can we discuss one  
3 matter with the Court before we get started with  
4 testimony?

5 THE COURT: Sure.

6 MR. NICKEL: There is an outstanding plea agreement  
7 in this case and the defense attorney has been tendered  
8 that plea agreement. That plea agreement is contingent  
9 upon it extinguishing after this motion to suppress,  
10 right. So I spoke with defense counsel. I think  
11 they're on the same page. We would like to submit on  
12 the briefs that we have and exhibits that we've attached  
13 to our briefs for today's suppression hearing. I've  
14 agreed to leave the deal open that's currently been  
15 extended to them if no officers take the stand today and  
16 this matter is decided only on the briefs. I'll let  
17 defense counsel --

18 THE COURT: Okay.

19 MR. REGISTER: Your Honor, that is a correct  
20 recitation of our intentions speaking to Mr. Nickel with  
21 regards to the plea offer as well as submitting on the  
22 briefs. We also attached several exhibits to the motion  
23 as well as a memorandum. And as an additional exhibit  
24 we'd like to offer, file, and introduce the transcript  
25 of the preliminary hearing. I believe the court

## 6:22-cr-62; Motion Hearing

5

1 reporter filed that into the Court's record today. So  
2 we would like to have that as an additional exhibit with  
3 regards to the motion as we submit on the briefs, Your  
4 Honor.

5 THE COURT: Okay. All right. I did get a call. I  
6 understand there was a call this morning, a motion to  
7 continue the hearing, which is really improper in a lot  
8 of ways. We moved this back last week, I think the day  
9 before the hearing, after we had set aside this time for  
10 a hearing; and then to get another motion for  
11 continuance on the date of the hearing is not  
12 appropriate in this court at all. You know, we have to  
13 schedule things. When we set aside time and take --  
14 prepare for a hearing, it's not something that just can  
15 be moved on a whim. I understand there's plea  
16 negotiations. That's fine. But if and when there's  
17 indication that a date may not work, we need a notice  
18 certainly well before the day of or the day before a  
19 hearing. Okay.

20 MR. REGISTER: Yes, Your Honor.

21 MR. JOHNSON: Yes, sir.

22 THE COURT: Okay. The issue with regard to the  
23 search of 1200 Robley Drive, 3112, the issue is whether  
24 or not this constitutes a bare bones affidavit that  
25 negates the good faith exception to the exclusionary

1 rule. Same with 104 Royalton Parkway. The traffic stop  
2 on January 28 I don't think is one that can be decided  
3 on the briefs, frankly, so I think that's something that  
4 we have to hear officer testimony about.

5 MR. NICKEL: Judge, may I ask what issue of fact is  
6 at issue in the vehicle stop?

7 THE COURT: Well, I don't know, for example, what  
8 the policy of the Lafayette Parish Sheriff's Department  
9 is regarding doing inventory searches, whether he was  
10 taken into custody before the search of the vehicle,  
11 whether they were going to, in fact, execute the search  
12 warrant. I don't know how that transpired and whether  
13 or not it was an inevitable discovery issue where they  
14 were going to conduct the inventory search anyway,  
15 whether the search of the vehicle would have been  
16 permissible pursuant to a search incident to arrest. So  
17 I think there's some issues outstanding on that  
18 particular topic.

19 MR. NICKEL: Sure, Your Honor. Two things. I  
20 would ask that we're allowed to be able to supplement  
21 our motion with the actual police report from that  
22 night. And the second thing is we contend there was a  
23 probable cause sniff of the vehicle by a canine that  
24 night and that when Mr. Arceneaux was arrested it was  
25 pursuant to an arrest warrant and that this was not a

1 traffic stop but, rather, a felony takedown. So once he  
2 was taken out of the car, arrested, then it didn't  
3 become an issue because this was not a traffic stop.

4 THE COURT: It's not whether he was held too long  
5 at the stop. That's not the issue. But there's still  
6 issues of fact about, you know, was there another person  
7 that they were going to let drive the vehicle home. I  
8 just don't have enough information. I don't necessarily  
9 see that there's, you know, a suppression issue  
10 depending on the series of events; but I don't know. I  
11 don't have enough information so I don't think we can  
12 submit that on the briefs.

13 MR. NICKEL: Would Your Honor allow me to  
14 supplement the exhibit or the motion with the actual  
15 police reports from that night?

16 THE COURT: No. Let's take some testimony.

17 MR. NICKEL: Judge, the Government's going to call  
18 Agent Trevor Picard of the LPSO, Lafayette Parish  
19 Sheriff's Office.

20 **TREVOR PICARD,**  
21 after being first duly cautioned and sworn to tell the truth,  
22 the whole truth and nothing but the truth, did testify on  
23 oath as follows:

24 **DIRECT EXAMINATION**

25 **BY MR. NICKEL:**

6:22-cr-62; Motion Hearing

8

1           Q.    Good afternoon, Agent Picard. Can you please state  
2 your full name for the record.

3           A.    Trevor Picard.

4           Q.    Can you spell that.

5           A.    T-R-E-V-O-R, P-I-C-A-R-D.

6           Q.    Where do you work?

7           A.    Lafayette Parish Sheriff's Office.

8           Q.    How long have you worked with the Lafayette Parish  
9 Sheriff's Office?

10          A.    Just over four years.

11          Q.    Okay. Before the four years with the Lafayette  
12 Parish Sheriff's Office, where'd you work before that?

13          A.    I worked for the Iberia Sheriff's Office,  
14 St. Martin Sheriff's Office, and I was a reserve officer for  
15 the Broussard Police Department prior to that.

16          Q.    Okay. And how long was that?

17          A.    In total, 15 and a half years.

18          Q.    Can you pull that microphone a little bit closer to  
19 you. So you're currently with the narcotics division of the  
20 Lafayette Parish Sheriff's Office; is that correct?

21          A.    Yes.

22          Q.    Did you have an opportunity to begin investigation  
23 into Mr. Tycoby Arceneaux?

24          A.    I assisted in one, yes.

25          Q.    Okay. Can you tell us how that investigation



## 6:22-cr-62; Motion Hearing

9

1 began.

2 A. Initially in 2021 information was received by  
3 another agent in reference to Tycoby, I believe, selling  
4 marijuana. He wasn't what I would call, like, a specific  
5 high level target or anything like that. It was just  
6 essentially just some information received and whenever we  
7 had time or whenever we were in the area we would look into  
8 him, and the address we initially had received was the  
9 address on Royalton.

10 Q. Okay. You initially got that address on Royalton  
11 as a place where Mr. Arceneaux lived, correct?

12 A. Yes.

13 Q. Did you have an opportunity to conduct surveillance  
14 on Royalton?

15 A. Yes.

16 Q. Okay. Did that tell you anything into your  
17 investigation of whether he lived there?

18 A. I personally did not see him there. There were  
19 some vehicles that we -- that I was personally told about  
20 that we did see there, but on the occasions that I was there  
21 I had never actually seen him there.

22 Q. Did your investigation eventually take a turn from  
23 Mr. Arceneaux being, you know, a simple marijuana dealer to a  
24 bigger scale dealer, larger scale dealer?

25 A. Yes.

## 6:22-cr-62; Motion Hearing

10

1 Q. Tell me how that happened.

2 A. In the beginning of 2022 agents with the narcotics  
3 unit spoke with a source of information who eventually turned  
4 into a confidential informant that explained that Tycooby was  
5 selling large amounts of methamphetamine from an apartment on  
6 Robley Drive, which was Ansley Walk Apartments.

7 Q. And would I be correct in saying that's Apartment  
8 3112?

9 A. Yes.

10 Q. Okay. Before we get to the search warrant on that,  
11 are you familiar with the investigation of Mr. Arceneaux  
12 beginning in 2022 when some warrants were -- when some  
13 warrants were received for Mr. Arceneaux's arrest?

14 A. Yes.

15 Q. And can you tell us more about that.

16 A. During the ongoing investigation we attempted to  
17 conduct surveillance which included following Mr. Arceneaux  
18 in vehicles. And on one occasion we attempted to follow him  
19 and on that specific occasion he was driving extremely  
20 erratic high rates of speed, changing lanes without  
21 signaling. So on that specific occasion we'd actually lost  
22 him earlier in the day. And while I was driving, going to  
23 another location, he actually stopped on the side of me on a  
24 Bertrand Drive and I looked over and it was him. I was like,  
25 oh, there he is. So we started following him again. His

## 6:22-cr-62; Motion Hearing

11

1 driving behavior was the same, driving well over the posted  
2 speed limit, changing lanes without signalling, just erratic  
3 driving behavior. So based on that, I applied for and was  
4 granted an arrest warrant for reckless operation of a motor  
5 vehicle by Commissioner Doguet.

6 Q. So is it safe to say this erratic behavior you had  
7 seen on other occasions or you'd heard about from other  
8 agents?

9 A. I had seen it on other occasion and, yes, other  
10 agents had mentioned that his driving behavior was erratic.

11 Q. Was it to the point where you would describe it as  
12 maybe counter-surveillance?

13 MR. REGISTER: Objection, Your Honor, leading.

14 THE COURT: Sustained.

15 BY MR. NICKEL:

16 Q. You've seen Tycooby Arceneaux drive in patterns that  
17 are unfamiliar, correct?

18 A. Yes.

19 Q. Can you describe those patterns to us.

20 A. On some occasions he would cut through parking  
21 lots. He would make blocks that just seemed unnecessary.  
22 His driving was -- I guess unpredictable would be, I guess, a  
23 way to describe it. Like I said, he would make several turns  
24 and end up going back on the same road the direction he'd  
25 already come from, which was just obviously very odd.

6:22-cr-62; Motion Hearing

12

1 Q. Had you seen these patterns before, based off your  
2 training and experience?

3 A. Yes.

4 Q. And what did they mean to you?

5 A. It's normal for people who do those type of things  
6 to do that for the purpose to see if any vehicles are  
7 following them. Like I said, to make several blocks to go  
8 back the same direction, there's really no reason to do that  
9 several times. So, in my experience, I've seen it to where  
10 it's to see what vehicles are still behind them. Because if  
11 you do that several times and there's still certain vehicles  
12 behind you, then obviously, if you're doing that for no  
13 reason, there's no reason for other vehicles to continue  
14 doing that with you.

15 Q. Is there a term for this in criminal  
16 investigations?

17 A. Yes.

18 Q. What is that?

19 A. Counter-surveillance.

20 Q. Okay. Did you get a warrant for reckless driving  
21 for Mr. Arceneaux on January 26, 2022?

22 A. Yes.

23 Q. Okay. Did you have an opportunity to execute that  
24 warrant?

25 A. Yes.

## 6:22-cr-62; Motion Hearing

13

1 Q. Can you tell us more about that.

2 A. On January 28th we had located Mr. Arceneaux on  
3 Fieldspan Road. We were able to catch up to him and he was  
4 driving at a high rate speed on Fieldspan Road. We saw him  
5 turn onto Demette Road, and by the time we were able to get  
6 there he'd already turned into a driveway. I believe the  
7 address is 112, something like that, Demette Road. And we  
8 located him in the driveway of that address.

9 Q. Okay. Were any -- did any units that pulled him  
10 over have their lights on?

11 A. So it wasn't -- he wasn't pulled over. As I said,  
12 he was driving at a high rate of speed so by the time I was  
13 able to catch up I was able to see that it was that vehicle.  
14 And also, the sheriff's office Real Time Crime Center was  
15 monitoring license plate readers so they were able to notify  
16 us when that vehicle, the silver Chevy Silverado with a  
17 specific license plate, I don't recall it offhand, was in a  
18 certain area. So once they were able to tell us that, I was  
19 able to see it from a distance. Traffic was real light at  
20 the time, it was late at night, so I was able to see it. By  
21 the time that I got there, I was able to visually confirm  
22 that that was the vehicle. As I said, it was already parked  
23 in the driveway so it wasn't a, you know, like, the police  
24 get behind you, put their lights and siren on, you pull over  
25 type of stop. The vehicle was already stopped.

## 6:22-cr-62; Motion Hearing

14

1           We knew that it was commonly occupied by Mr. Arceneaux.  
2           He had an active arrest warrant, and we also had some pending  
3           narcotics charges from that night as well. So it was  
4           essentially more like an investigative takedown of the  
5           vehicle. So I don't think any lights were activated. I  
6           think we just got out, identified ourselves and --

7           Q. Was he immediately arrested?

8           A. Yes.

9           Q. Okay. Can you -- he got out of the driver's seat  
10          or the passenger seat?

11          A. The driver's seat.

12          Q. He is taken out of the driver's seat by you or  
13          someone else, or does he step out?

14          A. He was instructed to step out.

15          Q. Okay. Is he immediately detained?

16          A. Yes.

17          Q. Okay. The silver Chevy Silverado, was it the same  
18          car he was in on January 26th?

19          A. Yes.

20          Q. Okay. So same vehicle. So once he is detained,  
21          what did you elect to do next?

22          A. Initially we had called for a wrecker to come and  
23          get the vehicle, but it was determined not long after that  
24          the address was -- belonged to the female passenger that he  
25          was with so we went ahead and canceled the wrecker because

1 she obviously was okay with it being there. So we canceled  
2 the wrecker. And obviously, because of the investigation  
3 prior that night, we definitely felt we had plenty of  
4 reasonable suspicion and borderline probable cause to search  
5 the vehicle. But there was a patrol canine working so, just  
6 to reiterate, we decided to call for the canine to come and  
7 do a sniff of the vehicle prior to us conducting a search.

8 Q. Let's back up a little bit. Did anyone, either the  
9 female on scene or Mr. Arceneaux, say that the vehicle was  
10 theirs that night?

11 A. Yes. I informed Mr. Arceneaux of his rights per  
12 Miranda, explained to him why he was being arrested and why  
13 he was there. And while speaking with him I asked him if the  
14 vehicle was his. He explained it was a rental and it was for  
15 him.

16 Q. And the female, did she give any statements?

17 A. She explained that they were friends. And she said  
18 she had some keys, a phone, and some food in the truck, and  
19 she said nothing else inside of the truck belonged to her.

20 Q. Was she ever detained?

21 A. I believe initially she was, but I think after not  
22 long she was -- she wasn't detained in handcuffs for very  
23 long, if I remember correctly.

24 Q. So you were at a point -- and we'll go back forward  
25 to where we were at. You were at a point where you decide

1 not to get a wrecker because the female on scene lived there  
2 and the truck was fine there, correct?

3 A. Yes.

4 Q. However, there was a determination in your head  
5 about whether to even get a canine, whether it was necessary,  
6 correct?

7 A. Yes.

8 Q. You felt like you had probable cause at that point  
9 to search that vehicle based off what you'd found previously?

10 MR. REGISTER: Objection, Your Honor, leading.

11 THE COURT: Sustained.

12 BY MR. NICKEL:

13 Q. Okay. Do you recall when you called the canine  
14 unit?

15 A. Yes.

16 Q. How many minutes into the stop is this canine unit  
17 called?

18 A. I would say maybe 10, 10ish, 10, 12 minutes,  
19 somewhere in there.

20 Q. Okay. Is this after you had gotten Mr. Arceneaux  
21 detained, out of the car?

22 A. Yes.

23 Q. Questioned the female there?

24 A. Yes.

25 Q. Okay. Do you recall how long it took the canine



6:22-cr-62; Motion Hearing

17

1 unit to get there?

2 A. Maybe another 10, 15 minutes.

3 Q. Okay. At this point Mr. Arceneaux was already  
4 arrested on the arrest warrant, correct?

5 A. Yes.

6 Q. As well as a probable cause arrest based on the  
7 items you found in his apartment, right?

8 A. Yes.

9 Q. Okay. Once the canine unit showed up, were you  
10 still on scene?

11 A. Yes.

12 Q. You know the canine officer?

13 A. Yes.

14 Q. Who was that?

15 A. Deputy Jamal Tucson.

16 Q. Okay. Do you see Mr. Arceneaux in court today?

17 A. Yes.

18 Q. Can you identify him, please.

19 A. He is sitting in the table to the right with the  
20 orange shirt.

21 MR. NICKEL: Judge, I have no further questions at  
22 this time.

23 THE COURT: Okay. Detective, you stated you  
24 believe you had probable cause to search the vehicle  
25 prior to the Defendant's arrest on the reckless driving

1 warrant. Articulate what bases you thought you had to  
2 establish probable cause to search the truck.

3 THE WITNESS: So we'd received information about  
4 him being a larger level narcotics dealer. We had  
5 executed a search warrant maybe a couple hours prior to  
6 that stop and a large amount of narcotics, weapons, and  
7 currency was located which confirmed the information  
8 that we'd received.

9 THE COURT: And that was where? Where was that  
10 search?

11 THE WITNESS: 1200 Robley, Apartment 3112. And  
12 also, because of the LPR's, we had learned that  
13 Mr. Arceneaux had left going on I-49 north and I believe  
14 he was going for several hours in the afternoon and had  
15 just returned -- to our knowledge, had just returned.  
16 So because of the information, the confirmation with the  
17 search warrant and the evidence that was located, and  
18 then him just returning from going up north, we felt  
19 that at least reasonable suspicion that he would have  
20 narcotics in the vehicle and potentially probable cause  
21 that he was using the vehicle to transport and to sell  
22 narcotics. We believed that we had it but, as I said,  
23 because we had a canine at our disposal, we figured we  
24 would use that to strengthen what we had already.

25 THE COURT: And what was -- where was the vehicle

6:22-cr-62; Motion Hearing

19

1           when you conducted the search?

2           THE WITNESS: It was in the driveway of 112 -- I  
3           think it was 112 Demette.

4           THE COURT: 112 what?

5           THE WITNESS: I think it's Demette, D-E-M-E-T-T-E,  
6           I believe.

7           THE COURT: And whose residence was that?

8           THE WITNESS: I think her name is Sabrina  
9           Babineaux.

10          THE COURT: And did you ultimately leave the truck  
11          there?

12          THE WITNESS: Yes. She ultimately elected to take  
13          possession of it, and Mr. Arceneaux was okay with that.

14          THE COURT: That was the passenger, Sabrina  
15          Babineaux?

16          THE WITNESS: Yes.

17          THE COURT: And how long did you say, before the  
18          arrest of Mr. Arceneaux, was the search of Robley  
19          conducted?

20          THE WITNESS: Maybe a few hours.

21          THE COURT: And did you -- were agents -- did  
22          agents find anything during that search linking that  
23          apartment to Mr. Arceneaux?

24          THE WITNESS: Yes.

25          THE COURT: What?

1 THE WITNESS: There were photographs of him inside  
2 the living room area, of him specifically in one and him  
3 with Mabreka Arceneaux. I can't remember her specific  
4 name, and it was him, her, and another male that we  
5 recognized as being a narcotics dealer and another  
6 female. It appeared that they were on vacation. And  
7 there was mostly male clothing, shoes, things of that  
8 nature inside.

9 THE COURT: Okay. And what exactly was -- what  
10 drugs were taken by law enforcement during that search?

11 THE WITNESS: There was approximately 10 pounds of  
12 methamphetamine and a small amount of marijuana, was the  
13 narcotics specific that was taken.

14 THE COURT: All right. And what was ultimately  
15 found in the truck?

16 THE WITNESS: There was less than a gram of  
17 methamphetamine inside of a bag with some male clothing,  
18 less than a gram of marijuana on the floor underneath  
19 the radio in the front area, and there was also some  
20 drug paraphernalia that was consistent with the items  
21 and the methamphetamine that was at the apartment as  
22 well.

23 THE COURT: Okay. Cross-examination?

24 MR. REGISTER: Yes, sir.

25 **CROSS-EXAMINATION**

1 BY MR. REGISTER:

2 Q. Good afternoon, sir. Are you familiar with the  
3 search warrant that was issued in this particular case?

4 A. Which one, sir?

5 Q. Any of them, all three of them.

6 A. Not -- I mean, I know that they were. I don't know  
7 the specifics in them.

8 Q. Because I remember testimony testified regarding a  
9 confidential informant that was --

10 MR. NICKEL: Judge, I'm going to object right now  
11 to any attempt to get into the identity of the  
12 confidential informant.

13 THE COURT: Are you planning on doing that?

14 MR. REGISTER: No, sir.

15 THE COURT: We're not getting into that. You can  
16 reference the confidential informant, but I'm going to  
17 instruct the witness don't answer information that would  
18 compromise the identity of the confidential informant.  
19 You can ask questions about any past relationship with  
20 the confidential informant, things of that nature,  
21 but --

22 MR. REGISTER: Yes, sir.

23 BY MR. REGISTER:

24 Q. So with regards -- so I think your testimony was  
25 that there was a source of information that eventually turned

1 into a confidential informant, correct?

2 A. Yes.

3 Q. And the information that you gained, I'm not saying  
4 that you personally, but that agents gained from this  
5 individual was then utilized for the search warrant, correct?

6 A. I don't know. I don't know if that specific  
7 information was used as part of the search warrant or if it  
8 was just used as information for the investigation. I don't  
9 know.

10 Q. Okay. Prior to utilizing this confidential  
11 informant in this particular case, how many arrests has this  
12 individual been responsible for?

13 MR. NICKEL: Same objection, Your Honor.

14 MR. REGISTER: Your Honor, we're not asking --

15 THE COURT: He's entitled to ask about the  
16 reliability of the confidential informant.

17 A. I don't believe any. As I said, initially they  
18 were a source of information that became a confidential  
19 informant. So I don't believe that they were involved in any  
20 arrests prior to because they were a new confidential  
21 informant.

22 BY MR. REGISTER:

23 Q. And since they weren't involved in any arrests,  
24 that means that the information given to you has never led to  
25 any convictions, correct?

6:22-cr-62; Motion Hearing

23

1           A.    I'm sorry. The information they gave?

2           Q.    Information from the confidential informant prior  
3 has never led to any convictions of anyone, correct?

4           A.    I don't know that they gave any information prior.

5           Q.    Okay. With regards to this confidential informant  
6 utilized in this particular case, there were no drug --  
7 hand-to-hand drug transactions or drug buys at any of the  
8 residences, correct?

9           A.    At the direction of the sheriff's office?

10          Q.    At any one -- there's no information to say that  
11 this confidential informant, whomever he or she is, actually  
12 conducted a hand-to-hand transaction with Mr. Tycoby  
13 Arceneaux out of any of the residences in this particular  
14 case, correct?

15          A.    They provided information and advised that they  
16 did.

17          Q.    Okay. Whenever you -- was there any -- I guess  
18 going back to what you said before, at the direction of the  
19 sheriff, I guess to confirm what this individual had said,  
20 this person was never equipped with an audio or video  
21 monitoring device to conduct a transaction, correct?

22          A.    Not that I'm aware of, no.

23          Q.    This individual was never, through the direction of  
24 the sheriff, texting Mr. Arceneaux to conduct a transaction,  
25 a drug transaction, correct?

1 MR. NICKEL: Judge, I'm going to lodge an objection  
2 that this is outside the scope of direct examination.  
3 We seem to be on the warrant for Apartment 3112, Robley  
4 Drive, where this witness did not author that affidavit  
5 whatsoever and is for the stop of the vehicle, like we  
6 discussed initially.

7 THE COURT: Yeah, that's right. However, the  
8 probable cause for the search of the automobile is based  
9 largely on the results of the search of Robley Drive so  
10 I'm going to allow Mr. Register to explore that a little  
11 bit.

12 A. Can you ask your question again?

13 MR. REGISTER: Can you state my last question? I'm  
14 sorry.

15 (Reporter reads back as requested.)

16 A. The C.I. wasn't mine so I don't know if anything --  
17 any conversations were at the direction of the handling  
18 agent. So I don't know.

19 BY MR. REGISTER:

20 Q. Okay. Now, with regards to -- have you seen the  
21 search warrant?

22 A. Have I seen it?

23 Q. Yes. Have you seen the search warrant? Because I  
24 believe you said that was a basis of your, I guess, felony  
25 takedown. So have you seen the affidavit in support of the



## 6:22-cr-62; Motion Hearing

25

1 search warrant?

2 A. I may have. I don't know. I don't specifically  
3 remember. I may have looked at it or helped proofread it,  
4 but I don't specifically remember.

5 Q. Do you know if there was any information within the  
6 search warrant to establish the reliability of this  
7 confidential informant?

8 A. Again, I don't know if the information from the  
9 informant was even used in the search warrant or if it was  
10 used just to -- for the information to lead to that  
11 apartment. I don't know.

12 Q. Now, this particular apartment which related to the  
13 first search warrant in this case, at any point in time did  
14 you observe or did agents observe Mr. Arceneaux carrying any  
15 bags inside of the residence?

16 A. Yes.

17 Q. At any point in time --

18 A. I'm sorry. Could you -- were you asking if that's  
19 in the search warrant or is that -- are you just asking in  
20 reference to the investigation?

21 Q. With reference to the investigation.

22 A. Yes.

23 Q. Okay. Do you know if that was placed in the search  
24 warrant?

25 A. No, I don't.

1           Q.   Isn't it a fact that officers never observed  
2           Mr. Arceneaux committing any illegal criminal activity,  
3           outside of the traffic violations which are alleged, but any  
4           illegal activity with regards to drugs at that particular  
5           residence?

6           A.   Rephrase your question.

7           Q.   For example, whenever officers were conducting  
8           surveillance did officers smell any marijuana emitting from  
9           that particular residence?

10          A.   Not that I'm aware of.

11          Q.   Isn't it a fact officers never observed any illegal  
12          guns or firearms being held by Mr. Arceneaux whenever he  
13          allegedly left the residence or entered into the residence?

14          A.   Not that I'm aware of.

15          Q.   Isn't it aware -- isn't it a fact that officers  
16          never observed any illegal activity of Mr. Arceneaux prior to  
17          the issuing of this particular search warrant in this case  
18          with regards to Mr. Arceneaux leaving and going from this  
19          particular residence?

20          A.   I am aware of part of the affidavit for the search  
21          warrant being that while Mr. Arceneaux was at the apartment  
22          agents observed what they believed to be a narcotics  
23          transaction take place at that apartment. So I would say  
24          that there was what agents believed to be criminal activity  
25          taking place while he was there, yes.

## 6:22-cr-62; Motion Hearing

27

1           Q.    So along with that part in the affidavit -- I'd  
2   asked earlier if you were familiar with the affidavit.  So  
3   you're familiar with that part of the affidavit with regards  
4   to agents allegedly observing a drug transaction, correct?

5           A.    I'm not familiar with the affidavit.  I know I was  
6   there and I was assisting at that point of the investigation.  
7   So to tell you what the affidavit says in regards to it, no,  
8   I don't know.  I just know that that was part of the probable  
9   cause for it.  But to tell you what the search warrant says,  
10   I don't know.

11          Q.    So going along with that particular example that  
12   was mentioned, that was testified to, isn't it a fact that  
13   there was no hand-to-hand transaction that occurred at that  
14   particular point in time?

15          A.    I don't know.  From my understanding, it took place  
16   inside so I don't know that anybody could have seen it but --

17          Q.    So it's a fact that agents did not observe a  
18   hand-to-hand transaction occur at the residence of Mr. Tycoby  
19   Arceneaux?

20               MR. NICKEL:  Objection, asked and answered.

21               THE COURT:  Overruled.  Did they see it?

22               THE WITNESS:  To my understanding, it wasn't seen  
23   because it occurred inside the apartment.

24   BY MR. REGISTER:

25          Q.    Isn't it a fact that -- well, I believe I asked

1 about any weapon. I said guns, but is there any illegal  
2 weapons seen at the residence of Mr. Arceneaux prior to the  
3 search warrant being executed in this case?

4 A. Not that I'm aware of.

5 Q. I believe you testified that there was information  
6 that Mr. Tycoby Arceneaux was selling marijuana, correct?

7 A. From my understanding, that's -- from my  
8 understanding, that's how it initially started and then it  
9 turned into that he was also selling large amounts of  
10 methamphetamine.

11 Q. Isn't it a fact that there's no witnesses or any  
12 law enforcement has never observed Mr. Tycoby Arceneaux  
13 selling marijuana?

14 A. Observed it?

15 Q. Correct.

16 A. So, yet again from my understanding, the  
17 hand-to-hand transaction that was done a subsequent -- or,  
18 excuse me, the believed hand-to-hand transaction that was  
19 done led to the discovery of marijuana. So I believe that  
20 there was -- that there is evidence that he was.

21 Q. Now, at the time that this particular warrant was  
22 executed Mr. Tycoby Arceneaux was not at the residence,  
23 correct?

24 A. I'm sorry. Say again.

25 Q. At the time the search warrant was executed

6:22-cr-62; Motion Hearing

29

1 Mr. Tycoby Arceneaux was not at the residence, correct?

2 A. No.

3 Q. There was no traffic stop -- I'm sorry. There was  
4 no traffic violations that was committed by Mr. Arceneaux to  
5 effectuate the stop at the residence as far as the vehicle,  
6 where it was eventually stopped? I think it was Al Dente  
7 Road?

8 A. Demette. Yeah, I believe I had said that I caught  
9 up to him at Fieldspan and Ridge and that he was traveling at  
10 a high rate of speed at that point as well.

11 Q. And at that particular point in time there was no  
12 traffic stop, right, at that point?

13 A. We weren't able the catch up to him to do one, no.

14 Q. Now, with regards to the passenger in this case,  
15 she wasn't arrested, right?

16 A. No, she was not.

17 Q. At the time that Mr. Arceneaux was apprehended at  
18 the residence with the vehicle he was immediately detained?

19 A. Yes.

20 Q. Immediately placed in handcuffs?

21 A. Yes.

22 Q. Immediately removed from the vehicle?

23 A. Yes.

24 Q. So, basically, he wasn't able to grab anything at  
25 that particular point in time as far as wingspan or anything

6:22-cr-62; Motion Hearing

30

1 like that? He was removed from the vehicle and placed in the  
2 officer's vehicle?

3 A. Yes.

4 Q. Same thing with the passenger; she was immediately  
5 removed from the vehicle?

6 A. Yes.

7 Q. Doors were closed?

8 A. To the vehicle? I don't know if they were  
9 immediately closed. I don't know.

10 Q. There was no consent given by Mr. Arceneaux or the  
11 passenger to search the vehicle, correct?

12 A. No.

13 Q. At that particular point in time, once both  
14 occupants of the vehicle were detained and away from being  
15 able to reach inside the vehicle to hide or to discard any  
16 evidence, there was no smell of marijuana, correct?

17 A. No.

18 Q. There was no drug -- there were no drugs observed  
19 in plain view, correct?

20 A. No.

21 Q. There were no weapons or any illegal weapons  
22 observed in plain view, correct?

23 A. No.

24 Q. Upon being in the vicinity of the passenger, the  
25 passenger did not emit of any marijuana, correct?

6:22-cr-62; Motion Hearing

31

1           A.    I'm sorry. Say again.

2           Q.    The passenger did not smell like marijuana,  
3 correct?

4           A.    No.

5           Q.    The passenger, as you could see, did not have any  
6 type of bulges that would have resembled any type of weapons,  
7 correct?

8           A.    No.

9           Q.    Same thing for Mr. Arceneaux; whenever  
10 Mr. Arceneaux was immediately detained, Mr. Arceneaux did not  
11 smell of marijuana, correct?

12          A.    No.

13          Q.    Mr. Arceneaux did not have any bulges which may  
14 have depicted him of hiding or concealing any dangerous  
15 weapons, correct?

16          A.    No.

17          Q.    While on the scene on this particular day with  
18 regards to the felony takedown, you didn't observe any  
19 illegal activity of either the passenger or Mr. Arceneaux,  
20 correct?

21          A.    No.

22          Q.    Now, you said 10 to 12 minutes into the stop, after  
23 the mission of this particular felony takedown was completed,  
24 that's when the canine was called, correct?

25          A.    No, sir. The time is correct; but the statement

6:22-cr-62; Motion Hearing

32

1 about the mission, no, sir, that's not correct.

2 Q. So the mission to take Mr. -- I believe you called  
3 it -- termed it a felony takedown, correct?

4 A. I think I called it an investigative takedown.

5 Q. Investigative takedown. All right. And so --

6 A. The mission is not just the taking into custody.  
7 It was an ongoing narcotics investigation as well. So it was  
8 not just to take him into custody.

9 MR. REGISTER: Your Honor, may I approach?

10 THE COURT: Yes.

11 BY MR. REGISTER:

12 Q. Show you a document on my computer. Are you  
13 familiar with this document?

14 A. No.

15 Q. This is a document entitled U.S. Department of  
16 Justice Drug Enforcement Administration. I believe it is  
17 Defendant's Exhibit 3. It is the court report -- I'm sorry,  
18 the report of -- can you identify what this document is?

19 A. No. I have no idea what that is.

20 Q. You know who Craig A. Benoit is?

21 A. Yes. He's the lieutenant of the narcotics unit.  
22 He's a task force officer.

23 Q. Do you see his name anywhere on this particular  
24 document?

25 A. Uh-uh.



1           Q.   What would his name be -- when it says by Craig  
2 Benoit, what would be this document? Would it be a document  
3 he authored?

4           A.   I'm assuming. I have never seen that. I don't  
5 know what that means.

6           THE COURT: Mr. Register, the witness has testified  
7 he's never seen that document before so he's not the  
8 right person to ask about it. If you have things you  
9 want to ask him from the document and ask him if they're  
10 true or not, if he knows anything about them, feel free  
11 to do that.

12           MR. REGISTER: Yes, sir.

13 BY MR. REGISTER:

14           Q.   So, in the document, if it indicates that there was  
15 a felony takedown that took place, would that be an incorrect  
16 statement?

17           A.   No, not necessarily. The takedown or the  
18 investigative stop, I guess there was really -- so,  
19 essentially, we pulled up, identified ourselves as law  
20 enforcement, and called him out, Mr. Arceneaux and  
21 Ms. Babineaux, I believe, at one point so essentially it was  
22 a felony takedown, essentially. I guess just the reason that  
23 I'm having issues of wording is because it wasn't -- like I  
24 said earlier, it wasn't a traffic stop like lights, siren,  
25 pull over to the side of the road type of thing. It was he's

1 stopped in the driveway, we pulled up, told him to get out.  
2 So, I mean, a felony takedown would be accurate description  
3 of it.

4 Q. Okay. So with the felony takedown, the purpose of  
5 a felony takedown is to essentially, for lack of better  
6 words, take down the person who is believed or alleged to  
7 have committed a felony, correct?

8 A. Yes, but that is not it. A felony takedown is  
9 essentially, what I would say is, a style of removing people  
10 from a vehicle. It's not solely -- you don't do a felony  
11 takedown and that's it. That is just instead of, like, a  
12 traffic stop, some officers may walk up to a vehicle and talk  
13 to the driver, some may have the driver step out. A felony  
14 takedown is you don't walk up, you don't call them out. You  
15 would do it safely from a distance, weapons drawn, things  
16 like that because of whatever -- whatever dynamic of  
17 whatever's going on of they're more of a heightened risk or a  
18 heightened safety concern. So just because there's a felony  
19 takedown doesn't mean once that is complete that it is done.  
20 That's just essentially a style or a way of removing  
21 occupants from a vehicle.

22 Q. All right. And so, by using that example, in this  
23 case when the felony takedown occurred Mr. Arceneaux was  
24 removed from the vehicle, correct?

25 A. Yes.

1           Q.   Mr. Arceneaux as well as the passengers were both  
2 removed from the vehicle, correct?

3           A.   Yes.

4           Q.   Mr. Arceneaux and the passenger were both, I guess,  
5 examined or looked at as far as safety, correct?

6           A.   Yes.

7           Q.   And it was determined that neither Mr. Arceneaux  
8 nor Ms. Babineaux presented a safety concern, correct?

9           A.   After they were detained, no.

10          Q.   All right. And so that would mean that the stated  
11 testified purposes of the felony takedown was complete after  
12 Mr. Arceneaux and Ms. Babineaux exited the vehicle and were  
13 detained and determined not to present any safety -- any  
14 danger to anyone, correct?

15          A.   I'm sorry. You lost me on that. Say again.

16          Q.   No problem. The purpose of the felony takedown was  
17 complete once Mr. Arceneaux and Ms. Babineaux were taken away  
18 from the vehicle, detained, and determined not to present a  
19 danger to anyone on the scene, correct?

20          A.   Yeah. That portion of the investigation, yes,  
21 would've been --

22          Q.   All right. So after that -- that was about 10 to  
23 12 minutes, correct?

24          A.   No.

25          Q.   Okay. But 10 to 12 minutes after the stop, that's

6:22-cr-62; Motion Hearing

36

1 when canine was called?

2 A. Yes --

3 Q. And then --

4 A. -- approximately.

5 Q. -- I believe you said it was another 10 to 15  
6 minutes before canine arrived?

7 A. Approximately.

8 Q. So from the time that the initial felony takedown  
9 occurred until the canine officer arrived, roughly 20, 25  
10 minutes?

11 A. Approximately.

12 Q. Okay. At what point in time as far as in that  
13 initial 10 to 12 minutes before the canine was called, is  
14 that whenever the felony takedown took place and it was  
15 determined that neither Mr. Arceneaux nor Ms. Babineaux  
16 presented a danger to anyone?

17 A. You're asking if that was in that 10 to 12 minutes?

18 Q. Correct.

19 A. Yes.

20 Q. When these alleged drugs were discovered at the  
21 residence at the -- I believe that was the residence the  
22 subject of the search warrant, was Mr. Arceneaux's vehicle  
23 there?

24 A. We're still talking about 1200 Robley?

25 Q. Correct.

6:22-cr-62; Motion Hearing

37

1           A.    Was his vehicle there?

2           Q.    Correct.

3           A.    No.

4           Q.    So when the drugs were discovered, allegedly  
5 discovered, at this residence Mr. Arceneaux's vehicle wasn't  
6 there, correct?

7           A.    No.

8           Q.    Okay. Ms. Babineaux, she wasn't there, correct?

9           A.    No.

10          Q.    Mr. Arceneaux himself wasn't there, correct?

11          A.    No.

12          Q.    At no point in time did anyone observe  
13 Mr. Arceneaux putting drugs or anything illegal inside of  
14 that particular vehicle that was stopped pursuant to the  
15 felony takedown, correct?

16          A.    Did anybody see him putting drugs in the vehicle  
17 before? No.

18          Q.    Did anybody see him putting any illegal weapons  
19 or -- I'm sorry, putting any illegal weapons inside that  
20 vehicle?

21          A.    No.

22          Q.    What about Ms. Babineaux? Same questions.

23          A.    No.

24          Q.    Now, I know you mentioned there were photographs  
25 inside of the Robley residence, correct?

6:22-cr-62; Motion Hearing

38

1 A. Yes.

2 Q. And that there were male clothing, correct?

3 A. Yes.

4 Q. At any point in time did you see -- did any agent  
5 see Mr. Arceneaux with any of this clothing on?

6 A. Not that I'm -- I don't know.

7 Q. Any of the shoes on or anything like that?

8 A. I don't know.

9 Q. With regards to the photographs, I guess because I  
10 believe they were trying to establish a nexus between  
11 Mr. Arceneaux and that particular residence, I guess the way  
12 you established that nexus was a picture of Mr. Arceneaux  
13 inside the residence, correct?

14 A. Is that -- that's not the only way but, I mean --

15 Q. But as far as what was discovered, I believe, and I  
16 may be wrong, but I believe the question was asked by the  
17 Court, one of the questions was how were you able to  
18 determine that Mr. Arceneaux was out of there, I believe that  
19 may have been the question, kind of paraphrasing, and I  
20 believe you answered there were photographs in there and that  
21 there were male clothes.

22 A. And male shoes, right.

23 Q. Male shoes?

24 A. I believe there was other ways. But again, I don't  
25 want to speak to the case agent and what he has in his

1 affidavit or may not have. I just remember those specific  
2 things being located during the search warrant.

3 Q. At no point in time while searching Robley Drive  
4 was there any documents or any witnesses found to say  
5 definitively that Mr. Arceneaux resided there, correct?

6 A. Resided there?

7 Q. Or lived there.

8 A. I don't know if they spoke to any witnesses and I  
9 don't know if there was any documents found. I don't know.

10 Q. So nothing, no lease agreements or anything within  
11 Robley that said, hey, Mr. Arceneaux signed this and he lives  
12 at this particular residence?

13 A. Not that I'm aware of. I don't know.

14 Q. The manager of the particular area or landlord, no  
15 one was interviewed to say that Mr. Arceneaux lives at that  
16 residence, correct?

17 A. I don't know.

18 MR. REGISTER: No further questions, Your Honor.

19 THE COURT: Thank you. Any redirect?

20 MR. NICKEL: Yes, Your Honor.

21 **REDIRECT EXAMINATION**

22 **BY MR. NICKEL:**

23 Q. Agent Picard, you were asked on cross-examination  
24 whether someone else described this as a felony takedown,  
25 correct?

1 A. Yes.

2 Q. That report that you saw, was that your report?

3 A. No.

4 Q. Is it safe to say that sometimes you describe  
5 things differently than other officers?

6 A. Yes.

7 Q. At that point in the -- we'll call it the takedown,  
8 the investigation, were you still investigating a narcotics  
9 violation by Tycooby Arceneaux?

10 A. Yes.

11 Q. Okay. Was the vehicle he was stopped in the same  
12 vehicle he was seen performing counter-surveillance  
13 techniques days before?

14 A. Yes.

15 Q. Officers saw Mr. Arceneaux enter and exit that  
16 residence on days prior to the search warrant date, correct?

17 A. The 1200 Robley?

18 Q. Yes.

19 A. Yes.

20 Q. When you stopped the vehicle, I guess when the  
21 vehicle was stopped in the driveway, there was an  
22 investigation still -- a narcotics investigation still  
23 happening, correct?

24 A. Yes.

25 Q. There was discussions about whether to tow this



1 car, correct?

2 A. Yes.

3 Q. There was discussions about whether to search the  
4 car without the canine sniff, correct?

5 A. Yes.

6 Q. There was discussions about other things, correct?

7 A. Yes.

8 Q. There was discussion with the female on scene,  
9 correct?

10 A. Yes.

11 Q. There was discussion about Mr. Arceneaux and what  
12 belonged to him in the car, right?

13 A. Yes.

14 MR. NICKEL: No further questions, Your Honor.

15 THE COURT: Thank you. Detective Picard, one  
16 additional question. After Mr. Arceneaux is arrested  
17 pursuant to the arrest warrant for reckless driving, did  
18 the female passenger indicate that she was going  
19 anywhere else?

20 THE WITNESS: That she was going anywhere else? I  
21 don't think so. I don't believe so, no.

22 THE COURT: You testified that was her house,  
23 right?

24 THE WITNESS: Right.

25 THE COURT: And she subsequently walked into her

1 house?

2 THE WITNESS: Once we were done?

3 THE COURT: Well, I suppose, or I guess after you  
4 finished talking to her, yes.

5 THE WITNESS: When we left she was still, I  
6 believe, standing in the driveway so I don't know. I  
7 assume she did, but I don't know specifically what she  
8 did. She -- Mr. Arceneaux was okay with allowing her to  
9 keep the vehicle. She was okay with taking  
10 responsibility for the vehicle. We talked a little  
11 while in the driveway near the carport area and we left.  
12 I don't know specifically what she did afterward. The  
13 last time I remember seeing her she was still standing  
14 outside.

15 THE COURT: You were there, correct?

16 THE WITNESS: Was I there?

17 THE COURT: Right. You were there?

18 THE WITNESS: Yes.

19 THE COURT: And did you -- did you observe or hear  
20 her say to anybody that she needed to go anywhere else?

21 THE WITNESS: No.

22 THE COURT: All right. Court will be in recess for  
23 15 minutes. We'll come back at 4:10.

24 (Recess is taken.)

25 THE COURT: We're back on the record now in

1 22-cr --

2 MR. JOHNSON: I'm sorry, Your Honor. Our client is  
3 out.

4 THE COURT: Let's bring the Defendant back in.  
5 Thank you, Mr. Johnson.

6 MR. JOHNSON: Yes, sir.

7 THE COURT: For the record, the Defendant is now  
8 present in court with counsel. The Court has taken the  
9 Defendant's motion to suppress under advisement and will  
10 state its reasons on the record. First, do the parties  
11 stipulate -- and listen to my question carefully. Do  
12 the parties stipulate that the Defendant had a  
13 reasonable expectation of privacy in the apartment at  
14 1200 Robley Drive, Apartment 3112?

15 MR. NICKEL: Yes, Your Honor.

16 MR. JOHNSON: Could you repeat that, Your Honor.

17 THE COURT: In order to rule on your suppression  
18 motion I have to first determine that the Defendant had  
19 a reasonable expectation of privacy at the apartment at  
20 1200 Robley Drive, Apartment 3112. I'm not asking if he  
21 lived there, what his exact relationship; but do you  
22 stipulate that he had a reasonable expectation of  
23 privacy at that apartment? Without that he can't move  
24 to suppress anything, you understand?

25 MR. JOHNSON: Right. Absolutely. I understand.

1           So he did have one, Your Honor.

2           THE COURT: It's stipulated by the Government and  
3           the Defendant not exactly what that was but that he had  
4           a general reasonable expectation of privacy in that  
5           apartment. It's well-established that the exclusionary  
6           rule is a judicial doctrine created to deter police  
7           misconduct. Officers generally are entitled to rely on  
8           good faith on a valid search warrant that's signed by a  
9           neutral magistrate. Here, in the search of 1200 Robley  
10          Drive, Apartment 3112, the Court finds that since the  
11          search of 1200 Robley Drive was made pursuant to a valid  
12          search warrant the good faith exception to the  
13          exclusionary rule applies without regard to whether the  
14          underlying affidavit, in fact, established probable  
15          cause. Specifically, the Court finds that the affidavit  
16          upon which the warrant was based was not so lacking in  
17          the indicia of probable cause as to render official  
18          belief in its validity entirely unreasonable. Although  
19          the affidavit doesn't state the sheriff's department's  
20          prior relationship, if any, with the informant or  
21          whether he or she had previously given reliable  
22          information, the affidavit does state the informant's  
23          basis for knowledge in detail, specifically that he or  
24          she had seen large amounts of narcotics at the  
25          apartment, he or she had obtained narcotics from the

1 Defendant at the subject apartment recently and multiple  
2 times in the past, and that he or she had spoken with  
3 the Defendant via phone to discuss drug transactions.  
4 Law enforcement also took steps to corroborate the  
5 information received from this informant by conducting  
6 surveillance on the apartment, observing what they  
7 believed was a drug transaction, and subsequently  
8 finding narcotics in the car of the person leaving the  
9 subject address that had apparently been obtained from  
10 that address.

11 Next, the search of 104 Royalton Parkway, the first  
12 search of 104 Royalton Parkway. This was a search  
13 conducted on January 28 of 2022 to obtain information  
14 establishing the Defendant was a resident of 104  
15 Royalton Parkway. The search was conducted pursuant to  
16 a search warrant signed by a neutral magistrate.  
17 Likewise, as before, the fruits of the search are  
18 entitled to the good faith exception as the affidavit  
19 supporting the search warrant was not so lacking in the  
20 indicia of probable cause as to render official belief  
21 in its validity unreasonable. The search was narrowly  
22 tailored in scope to documents to establish whether  
23 Mr. Arceneaux resided there or not and was based on the  
24 fact that the owner of that address, 104 Royalton, was  
25 the same as the lessor of the address at 1200 Robley

1 Drive, Apartment 3112, where officers had just found a  
2 substantial quantity of drugs as well as officers'  
3 observations of the Defendant and the owner of 104  
4 Royalton at that address and an open source records  
5 search showing the Defendant to be a resident of 104  
6 Royalton from October of 2021 through the date of the  
7 search, which was January 28, 2022.

8 The second search of 104 Royalton did not yield any  
9 evidence. Accordingly, the Court will not address its  
10 validity.

11 Next, the search of the Defendant's truck. As to  
12 the search of this truck, testimony taken in court today  
13 revealed that the Defendant's arrest was made pursuant  
14 to a lawful search warrant signed by a commissioner for  
15 reckless driving and that the sheriff's department's  
16 subsequent search of his truck was supported by probable  
17 cause and, thus, lawful pursuant to the automobile  
18 exception to the search warrant requirement.

19 Specifically, a search that day, on the day of the  
20 search of the truck was also -- just prior to that was a  
21 search of the address at 1200 Robley Drive, Apartment  
22 3112, where 10 pounds of methamphetamine had been found  
23 as well as a dog sniff of the truck subsequent to the  
24 Defendant's arrest indicating the presence of narcotics  
25 and information found at the Apartment 3112, 1200 Robley

1 Drive, linking the Defendant with that apartment.

2 Accordingly, the Defendant's motion to suppress is  
3 denied. Mr. Dicharry -- oh. Do you object to that?

4 MR. REGISTER: Yes, sir.

5 THE COURT: Okay.

6 MR. REGISTER: Your Honor, respectfully, with  
7 regards -- just for the record, I would like to object  
8 to the Court's ruling with regards to denying the motion  
9 to suppress each search warrant as well as the truck  
10 that was searched in this particular case, Your Honor.

11 THE COURT: Okay. It was also brought to the  
12 Court's attention that there was a spectator that was  
13 videoing this proceeding. There's clearly stated signs  
14 at the door. Deputy Dicharry, will you please identify  
15 who that was.

16 MR. DICHARRY: Individual in the blue.

17 THE COURT: Sir, will you please approach at this  
18 time. Come up here. Stand right there. Did you know  
19 you're not supposed to video recordings in federal  
20 court?

21 UNIDENTIFIED SPEAKER: (Shakes head side to side.)

22 THE COURT: You didn't see the sign right outside  
23 the door?

24 UNIDENTIFIED SPEAKER: I never -- no, sir.

25 THE COURT: I'm going to ask you -- I've been urged

1 by the marshal service to hold you in contempt. I don't  
2 want to do that. I don't agree with the rule that cell  
3 phones are allowed in the building in the first place.  
4 I'm going to take you at your word. If you work with  
5 Deputy Dicharry right now to delete the video off your  
6 phone, we'll end it here. Okay.

7 UNIDENTIFIED SPEAKER: Yes, sir.

8 THE COURT: You promise me you'll do that?

9 UNIDENTIFIED SPEAKER: Yes, sir.

10 THE COURT: Court's in recess.

11 (Proceedings adjourned.)  
12  
13

14 \* \* \* \* \*  
15  
16

17 **CERTIFICATE**  
18

19 I hereby certify this 28th day of September, 2022 that  
20 the foregoing is, to the best of my ability and  
21 understanding, a true and correct transcript of the  
22 proceedings in the above-entitled matter.  
23

24 *Deidre D. Juranka*  
25 Deidre D. Juranka, CRR  
Official Court Reporter

Deidre D. Juranka, CRR  
United States Court Reporter  
Western District of Louisiana